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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Comments of the Human Rights Committee

BELGIUM

1. The Committee considered the second periodic report of Belgium (CCPR/C/57/Add.3) at its 1142th and 1143rd meetings, held on 7 April 1992, and adopted* the following comments:

A. Introduction

2. The Committee commends the State party on its excellent report which contains detailed information on law and practice relating to the implementation of the Covenant's provisions subsequent to the consideration of the initial report. The Committee appreciates the comprehensiveness of the report which is in conformity with the Committee's guidelines. In particular, the Committee is grateful for both the oral and written responses provided by the State party representative. The Committee also appreciates the high competence of the delegation and considers that the dialogue with the State party was fruitful and constructive.

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* At the 1148th meeting, held on 10 April 1992.

B. Positive aspects

3. The Committee notes with satisfaction the changes in law and in practice during the period under review, in particular, the several decisions of the Court of Cassation affirming the applicability of certain provisions of the Covenant; the law on economic reorientation prohibiting any discrimination based on sex; the law abolishing all discrimination between children born in and out of wedlock; the draft law permitting immediate communication between the accused and his lawyer; the bill proposing to abolish the death penalty; and the planned accession to the Second Optional Protocol to the Covenant.

C. Factors and difficulties impeding the application of the Covenant

4. The Committee notes some of the major difficulties experienced by Belgium; such as, the centrifugal character of Belgian federalism, the bipolar nature of the legal system, and the language differences among the population. The complexity of the Belgian legal framework seems to have impeded a direct reference to the Covenant to a certain extent.

D. Principal subjects of concern

5. Although noting the direct applicability of several provisions of the Covenant which form part of Belgian domestic law, the Committee is concerned about the difference between civil rights enjoyed by citizens and those enjoyed by aliens, which may lead to discrimination against aliens. Other areas of concern include the scope of interpretation given to article 6 of the Covenant; the adequacy of monitoring pre-trial detention as well as the impartiality of the authorities who examine those arrested; the adequacy of remedies for wrongful detention; the adequacy of information on freedom of expression especially in relation to television broadcasting; and arrangements as to freedom of assembly in open air.

E. Suggestions and Recommendations

6. The Committee recommends to the State party more adequately to reflect in internal administrative practice the provisions of the Covenant which are not reflected in the European Convention for the Protection of Human Rights and Fundamental Freedoms (e.g. arts. 25, 26 and 27); and to ensure that the laws regarding restrictions on freedom of expression and assembly are compatible with those provided for in the Covenant. The Committee also recommends that the State party further improve the effectiveness of the protection granted to minority rights at the communal level. The Committee further recommends that the State party reconsider its reservations so as to withdraw as many as possible.